IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Lala. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No. 1053/2006
against the order dated 24-7-2006 passed
by the Sessions Judge, Hanumangarh, in
Criminal Revision No. 199/2006.

...

Date of Order: September 06, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Niranjan Singh, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor, for the State.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioner has assailed the order dated 24-7-2006 passed by the Sessions Judge, Hanumangarh (for short, "the Revisional Court" hereinafter) in Criminal Revision No. 199/2006, whereby the revision petition filed by the petitioner against the order dated 16-6-2006 passed by the Additional Chief Judicial Magistrate, Hanumangarh (for short, "the trial Court" hereinafter), was dismissed.

It is contended by the learned counsel for the petitioner that despite the application filed by the petitioner for getting the sample chemically examined by the Central Food

Laboratory, the sample has not been sent to the Central Food Laboratory and, therefore, the valuable legal right of the petitioner has been infringed.

I have carefully gone through the orders passed by the trial Court as well as the Revisional Court.

The facts on record shows that after receipt of the report from the State Food Laboratory, a notice was sent to the petitioner on 23-8-2001, which was served on him on 24.8.2001. As per Section 13 (2) of the Prevention of Food Adulteration Act, 1954 (for short, "the Act" hereinafter), an application for getting the sample should have been filed within ten days from the date of receipt of the notice. Admittedly, in the instant case, the petitioner submitted the application for getting the sample analysed by the Central Food Laboratory on 8-11-2001, i.e. nearly after 2 ½ months from the date of receipt of the notice. Thus, the application filed by the petitioner for getting the sample analysed by the Central Food Laboratory was filed beyond the stipulated period of ten days as provided under Section 13 (2) of the Act.

More so, on the application dated 8-11-2001 filed by the petitioner for getting the sample analysed by the Central Food Laboratory, on the very day, the trial Court directed the petitioner to deposit a sum of Rs.1000/- but that amount was deposited by the petitioner by way of a Bank Draft on 30-9-

2003, i.e. nearly after 22 months. During this period of 22 months, no application was submitted by the petitioner for sending the sample to the Central Food Laboratory by the Court itself exempting him from depositing the said amount of Rs.1000/-. Thus, it was on account of the inaction and apathy on the part of the petitioner himself for causing the delay and by that time, the sample might have decomposed.

In this view of the matter, the impugned orders passed by the courts below do not suffer from any error, illegality or perversity and require no interference under the inherent jurisdiction of this Court.

Consequently, the criminal miscellaneous petition is dismissed.

(H.R. PANWAR), J.

mcs